

Division of Special Education/Early Intervention Services

Understanding the Criteria and Eligibility Process for Students with the Most Significant Cognitive Disabilities Participating in the Maryland Assessment Program

Overview

The Maryland State Department of Education (MSDE) requires **all** students to participate in statewide assessment programs. The Maryland participation requirement is supported by federal legislation requiring the participation of students with disabilities in standards-based instruction and assessment initiatives. The federal No Child Left Behind Act of 2001 (NCLB) requires that **all** students be assessed and receive an individual score in reading and mathematics in grades 3–8 and a high school grade (Maryland has chosen to assess grade 10 content to fulfill this federal mandate). NCLB also requires that States provide an *Alternate Assessment Based on Alternate Academic Achievement Standards* and ensure access to the general curriculum when implementing statewide accountability systems. An assessment of this type is designed for students with the **most** significant cognitive disabilities who meet specific participation criteria. The Individuals with Disabilities Education Act of 2004 (IDEA) also requires States to have an Alternate Assessment that will ensure students with the most significant cognitive disabilities have access to the general curriculum. The Code of Maryland Regulations (COMAR) also mandates that **all** students be instructed in reading, mathematics, science, social studies, health, art, music, and physical education. This bulletin serves as additional guidance to assist Individualized Education Program (IEP) team members when determining the eligibility of students with the **most** significant cognitive disabilities to participate in the appropriate Maryland School Assessment (MSA).

- 1. What is the name of the assessment in the Maryland School Assessment Program for eligible students with the **most** significant cognitive disabilities who meet specific participation criteria?**

The Alternate Maryland School Assessment based on Alternate Academic Achievement Standards (Alt-MSA) is the assessment in which students with the **most** significant cognitive disabilities may participate. Students participate in the Alt-MSA if, through the IEP process, it has been determined that they meet specific eligibility criteria. The Alt-MSA assesses and reports student attainment of individually selected indicators and objectives from the Reading, Mathematics, and Science Content Standards as outlined in the Maryland State Curriculum (SC) or Core Learning Goals (CLG). A portfolio for the

	<p>Alt-MSA is constructed of artifacts (such as student work samples) that document individual student mastery of the assessed Reading, Mathematics, and Science objectives. Students participate in the Alt-MSA in grades 3 through 8, and grade 10.</p>
<p>2. Who is a student with the <u>most</u> significant cognitive disability?</p>	
	<p>The term significant cognitive disability is a designation given to a small number of Maryland students with disabilities for purposes of their participation in the statewide assessment program. When IEP teams are making a decision as to whether a student is a student with the <u>most</u> significant cognitive disability for participation in the Alt-MSA, IEP teams must review and discuss multiple sources of information, including psychological assessments, classroom observations, formal and informal assessment data, curricular content for evidence of a significant cognitive disability and the participation eligibility criteria for Alt-MSA. IEP teams should review all information available pertaining to the cognitive and adaptive skills of the student. The IEP team must determine the impact of the cognitive disability on the student's academic performance. Poor performance on previous assessment results and/or below grade level scores does not qualify a student as having a significant cognitive disability. For a student to be identified as having a significant cognitive disability for purposes of participation in the Alt-MSA, <u>EACH</u> of the Alt-MSA eligibility criteria must be met.</p>
<p>3. What are Alternate Academic Achievement Standards?</p>	
	<p>The term Alternate Academic Achievement Standards has a specific meaning in the context of Maryland's State Assessment System as approved by the U.S. Department of Education. Alternate Academic Achievement Standards are performance standards that are based on a limited sample of content that is linked to grade-level Content Standards. This content, however, may not fully represent grade-level content and may include content which is substantially simplified.</p>
<p>4. How does and Individualized Education Program (IEP) team determine eligibility for students to participate in Alt-MSA?</p>	
	<p>The IEP team shall use the <i>Alt-MSA IEP Team Decision-Making Process Eligibility Tool</i> for students with the <u>most</u> significant cognitive disabilities to determine if the Alt-MSA is the appropriate assessment. The student's IEP team, which includes the parent/guardian, determines how the student will participate in Maryland's assessment program. Decisions made by the IEP team are documented in the student's IEP and reviewed annually. The IEP team reviews a comprehensive set of criteria to determine whether the student should participate in the MSA, Mod-MSA, HSA, Mod-HSA or Alt-MSA. The IEP team must use multiple sources of information, such as the current IEP, to include the present levels of academic achievement and functional performance in reference to the Maryland State Content Standards, results from formal and informal assessments and data gathered from classroom assessments and information gathered from parent or student, which document academic achievement, to guide the decision-making process for participation in the appropriate statewide assessment. The IEP team shall discuss and consider a student's participation in regular or modified statewide assessments with the use of accommodations and modifications. If the IEP team determines that a student cannot participate using</p>

accommodations and/or modifications on the regular or modified assessment, then the IEP team should consider eligibility for an alternate assessment.	
5. What is the Alt-MSA IEP Team Decision-Making Process Eligibility Tool for Alt-MSA for students with the <u>most</u> significant cognitive disabilities?	
The <i>Alt-MSA IEP Team Decision-Making Process Eligibility Tool</i> for students with the <u>most</u> significant cognitive disabilities is a tool that has been developed for IEP teams to guide them in the decision making process for determining if Alt-MSA is an appropriate assessment for a student. The tool allows the IEP team to review and answer questions about each of the participation criteria. The tool uses criteria descriptors and additional requirements, which provides additional guidance to IEP teams in understanding the criteria for Alt-MSA.	
6. What criteria should IEP teams use to determine the appropriate assessment for a student s with the <u>most</u> significant cognitive disabilities?	
Students with the most significant cognitive disabilities will be eligible to participate in Alt-MSA if they meet <u>each</u> of the criteria found below:	
Alt-MSA Eligibility Criteria	Eligibility Criteria Descriptors
The student has an Individualized Education Program (IEP).	
The student has a significant cognitive disability.	Review of student's school records indicate that he/she has a moderate, severe, profound disability or multiple disabilities that significantly impacts cognitive function and adaptive behavior.
1.The student is learning (at emerging, readiness, or functional literacy levels) <i>extended</i> Maryland reading, <i>extended</i> Maryland mathematics, and <i>extended</i> Maryland science content standards objectives.	<p>All students access the Maryland State Curriculum (SC) or Core Learning Goals (CLG). There are no separate extended content standards in Maryland.</p> <p>The content learning objectives and expected outcomes for the student are <i>extended</i> to focus on the emerging, readiness (prerequisite) and/or functional (real life) application of the general curriculum.</p> <p>The student is substantially below grade level expectations even with documented participation in research-based interventions over multiple years in all content standard areas.</p>
2. The student requires explicit and ongoing instruction in functional skills.	<p>The student has substantial deficits in adaptive behavior*, such that the student has difficulty demonstrating independence in everyday living skills, including interpersonal and social interactions across multiple settings.</p> <p><i>*Adaptive Behavior is defined as essential for someone to live independently and to function safely in daily life. Adaptive behaviors include "real" life skills such as grooming, dressing, safety, ability to work, money management, and social and personal responsibility.</i></p>

Alt-MSA Eligibility Criteria	Eligibility Criteria Descriptors
<p>3. The student requires extensive and substantial modification (e.g., reduced complexity of objectives and learning materials, and more time to learn) of general education curriculum.</p> <p>Curriculum activities differ significantly from that of their non-disabled peers. They learn different objectives, may use different materials, and may participate in different learning activities.</p>	<p>The modifications needed by the student to participate in the regular assessment would compromise the validity of the test.</p> <p>The objectives written for the student in the designated content areas(s) are significantly less complex than the grade-level expectation and instructional pacing is significantly reduced, making the regular MSA/HSA or Modified MSA/HSA, even with accommodations, inappropriate for the student.</p>
<p>4. The student requires intensive instruction and may require extensive supports, including physical prompts, to learn, apply, and transfer or generalize knowledge and skills to multiple settings.</p>	<p>The student requires substantial, repeated, individualized instruction with extensive supports such as substantially adapted and modified materials, instructional prompting systems, individualized methods of accessing information in alternative ways such as tactile, visual, auditory, and multi-sensory, in multiple settings to acquire, maintain, generalize and demonstrate performance of skills.</p>
<p>5. The student requires extensive support to perform and participate meaningfully and productively in daily activities in school, home, community, and work environments.</p>	<p>The student requires intensive systematic instruction across multiple settings with tasks broken into small steps for all learning outcomes.</p> <p>The student is dependent on others, for some or all daily activities with the expectation that the student will require extensive ongoing support in adulthood.</p>
<p>6. As documented through the IEP Team Decision-Making Process Eligibility Tool for Alt-MSA, the student cannot participate in the regular MSA/HSA or Modified MSA/HSA even with the provision of accommodations.</p>	

A Student not meeting each of the criteria above will participate in the MSA/Mod-MSA for grades 3-8 or HSA/Mod HSA, for the course level in which the student is enrolled, with or without accommodations, as appropriate, based on his/her IEP. Refer to the Maryland Accommodations Manual for more information about accommodations and Maryland's assessments.

7. Is the Alt-MSA IEP Team Decision-Making Process Eligibility Tool mandatory for IEP teams to use when determining if the Alt-MSA is an appropriate assessment for a student?

As part of the IEP Process, the IEP team is required to plan for the student's participation in the assessment(s) to be administered during the term of the current IEP. This tool allows teams to review and discuss multiple sources of information, including psychological assessments, classroom observations, formal and informal assessment data, and curricular content for evidence of a significant cognitive disability and the participation criteria for Alt-MSA. In the 2007 federal non-regulatory guidance for modified academic achievement standards, IEP teams must be provided with a clear explanation of the differences between the general grade-level assessments, and assessments based on Modified Academic Achievement Standards (Mod-MSA or Mod-HSA), and Alternate Achievement Standards (Alt-MSA). The MSDE developed a document titled, "Maryland's Differences Among Assessments Chart for Students Receiving Special Education Services." The chart outlines the differences between the

Maryland School Assessments and High School Assessments (MSA/HSA); Modified Assessments (Mod-MSA/Mod-HSA); and Alternate Assessments (Alt-MSA). The MSDE has requested that local school systems disseminate the chart to each school in the school system, stressing the necessity of using this valuable resource to support assessment decisions that are made during the IEP team process.

8. How often must an IEP team review a student's eligibility for participating in Maryland School Assessments?

A student's IEP must be reviewed at least once within a calendar year. This is called the annual review. Additional IEP team meetings to develop, review, or revise the student's IEP may occur during the calendar year of the current IEP. During the IEP team meeting, as part of the IEP Process, the IEP team is required to plan for the student's participation in assessment(s) to be administered during the term of the current IEP.

9. Once the "Alt-MSA IEP Team Decision-Making Process Eligibility Tool" is completed, where should the tool be maintained?

The Alt-MSA IEP Team Decision-Making Process Eligibility Tool shall be kept with the student's IEP that was in place when the tool was used to determine the student's assessment participation.

10. What process should be followed if the parent/guardian or student disagrees with the IEP team's decision for the student to participate in the Alt-MSA?

As a member of the IEP team, the parents/guardians, students, as appropriate, participate in the IEP decision-making process. The Alt-MSA IEP Team Decision-Making Process Eligibility Tool provides a space to document any disagreement with the decision by any IEP Team member. Every effort should be made, by the IEP team, to resolve any disagreements. However, if a parent/guardian or student continues to disagree with the decision(s) of the IEP team and believes his/her rights, under IDEA, have been violated, his/her concerns may be resolved in a variety of ways; including advocacy and partnering with the school system. The parent/guardian or student should, however, be aware that there are several formal ways in which families and school systems can resolve their differences. There is mediation, due process hearings and formal complaints which may be filed with the MSDE. While disputes are in place, the current IEP should remain in effect. Mediation is a process where a trained mediator helps a parent/guardian and school system staff to reach an agreement. However, all parties must be willing to participate since the mediation process is voluntary. Parents/guardians also have the right to file for a due process hearing. This is a more formal way to resolve disputes between families and school systems, and the hearing is conducted by an administrative law judge through the State Office of Administrative Hearings. Parents/guardians may request a due process hearing by submitting the request forms found on the MSDE website at www.marylandpublicschools.org.

A parent/guardian may also file a State complaint with the MSDE. Should a parent/guardian decide to file a complaint, the complaint must be submitted to Dr. Carol Ann Heath, Assistant State Superintendent, Division of Special Education/Early Intervention Services, MSDE, 200 W. Baltimore Street, Baltimore, MD 21201. A copy of the completed complaint form must also be sent to the Director of Special Education of the

school system where the student is attending.

Additional information concerning the filing of a State complaint, including the form for filing the complaint, can also be found by visiting the MSDE website, above. Please be aware that although there is not a requirement that the form be used, all of the information that is requested on the form must be provided in order for the MSDE, DSE/EIS to initiate a complaint investigation.

11. What is the relationship between the Alt-MSA and a Maryland High School Diploma?

When a student is determined eligible to participate in the Alt-MSA, the student is then progressing toward the receipt of a Maryland Certificate of Program Completion. If a student continues to participate in the Alt-MSA, he/she may not be eligible for a high school diploma because his/her educational program will not prepare him/her to meet the high school diploma.

Students pursuing a Maryland High School Diploma shall complete the requirements for graduation, including enrollment, credits, services, additional local requirements, if applicable, and assessments. [COMAR 13A.03.02.09B] The decision to award a student with disabilities a Maryland High School Certificate of Program Completion will not be made until after the beginning of the student's last year in high school unless the student is participating in the alternative Maryland School Assessment Program (Alt-MSA). [COMAR 13A.03.02.09D (3)]

The Maryland High School Certificate of Program Completion shall be awarded only to students with disabilities who cannot meet the requirements for a Maryland High School Diploma, but who meet the following standards:

1. The student is enrolled in an education program for at least 4 years beyond grade 8 or its age equivalent, and is determined by an IEP team, with the agreement of the parents of the student with disabilities, to have developed appropriate skills for the individual to enter the world of work, act responsibly as a citizen, and enjoy a fulfilling life, including but not limited to:
 - Gainful employment;
 - Work activity centers;
 - Sheltered workshops; and
 - Supported employment; or
2. The student has been enrolled in an education program for 4 years beyond grade 8 or its age equivalent and will have reached age 21 by the end of the student's current school year. [COMAR 13A.03.02.09D]

To be awarded a high school diploma, a student shall be enrolled in a Maryland public school system and shall have earned a minimum of 21 credits that include the following specified core credits:

- English—four credits of organized instruction in listening and speaking, reading and literature, and written composition and use of language;
- Fine arts—one credit in visual arts, music, theater, or dance, or a combination of

these;

- Mathematics—three credits, including one with instruction in algebra/data analysis and one with instruction in geometry;
- Physical education—one-half credit;
- Health education—one-half credit;
- Science—three credits of which one shall be in biology and two from the earth, life, or physical sciences, or all of the above, in which laboratory experiences are an integral component;
- Social studies—three credits including one credit in United States history, one credit in world history, and one credit in local, State, and national government;
- Technology education—one credit that includes the application of knowledge, tools, and skills to solve practical problems and extend human capabilities; and
- Earn 5 credits from one of the following options:
 - Option 1- Credits 2 Foreign Language Credits and 3 Elective Credits
 - Option 2- Credits 2 American Sign Language Credits and 3 Elective Credits
 - Option 3- Credits 2 Advanced Technology Education Credits and 3 Elective Credits
 - Option 4-Credits 4 State Approved Career and Technology Program Credits and 1 Elective Credit

[COMAR 13A.03.02.04A]

For more information, call 410-767-7548

MARYLAND STATE DEPARTMENT OF EDUCATION
Nancy S. Grasmick, State Superintendent of Schools
Carol Ann Heath, Assistant State Superintendent
Division of Special Education/Early Intervention Services
200 West Baltimore Street
Baltimore, MD 21201

The Maryland State Department of Education does not discriminate on the basis of race, color, sex, age, national origin, religion, or disability in matters affecting employment or in providing access to programs. For inquiries related to departmental policy, please contact the Equity Assurance and Compliance Branch, Voice (410) 767-0433, TTY/TDD (410) 333-3045, or Fax (410) 767-0431.

In accordance with the Americans with Disabilities Act (ADA) this document is available in alternative formats, upon request. Contact the Division of Special Education/Early Intervention Services, Maryland State Department of Education at Voice (410) 767-0858, Fax (410) 333-1571, or TDD (410) 333-0731.

This document was developed and produced by the Division of Special Education/Early Intervention Services, IDEA Part B Grant #HO27A090035A funded by the U.S. Department of Education, Office of Special Education Programs (OSEP). The views expressed herein do not necessarily reflect the views of the U.S. Department of Education or any other Federal agency and should not be regarded as such. This information is copyright free. Readers are encouraged to copy and share it but please credit the Division of Special Education/Early Intervention Services, Maryland State Department of Education.